

## NONIMMIGRANTS—Continued

Symbol	Class	Section of law
TN .....	NAFTA Professional .....	214(e)(2).
TD .....	Spouse or Child of NAFTA Professional .....	214(e)(2).

Mary A. Ryan,  
*Assistant Secretary for Consular Affairs.*  
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**22 CFR Part 42****[Public Notice 2170]****Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended**

**AGENCY:** Bureau of Consular Affairs, DOS.

**ACTION:** Final rule.

**SUMMARY:** Legislation over the last several years has created several new immigrant visa categories. In addition, the passage of time has resulted in the lapsing of other transitional categories. This rule provides a new table of immigrant visa symbols at § 42.11 which reflects these changes. Minor editorial changes have been made throughout.

**EFFECTIVE DATE:** This rule takes effect on February 27, 1995.

**ADDRESSES:** Chief, Legislation and Regulation Division, Visa Office, Washington, DC 20522-1013.

**FOR FURTHER INFORMATION CONTACT:** Stephen K. Fischel, Chief, Legislation and Regulations Division, 202-663-1204.

**SUPPLEMENTARY INFORMATION:** Several amendments to the Immigration and Nationality Act (INA) over the last several years have resulted in the creation of new immigrant visa categories. The new visa symbols for these immigrant categories IW2, ES1, SM1 through SM5, R51 through R53, and I51 through I53 are added to the list of immigrant visa symbols at § 42.11. This rule also removes from the list the visa symbols LB1 and LB2 and DT1 through DT3, used for transitional categories which have expired.

**Section 42.11 Classification Symbols**

Section 219 of the Immigration Technical Corrections Act of 1994 (Pub. L. 103-416, Oct. 25 1994) amended INA 201(b) to include the children of widows/widowers of U.S. citizens who qualify for immediate relative status. The new immigrant visa symbol IW2 is added to the list. This category is scheduled to expire on October 24, 1996.

Section 4 of the Soviet Scientists Immigration Act of 1992 (Pub. L. 102-509, October 24, 1992) provided for the admission of certain scientists from the independent states of the former Soviet Union and the Baltic states who possess exceptional scientific ability. These scientists have been accorded the ES1 symbol.

Section 2(a)(3) of the Armed Forces Immigration Adjustment Act of 1991 (Pub. L. 102-110, October 1, 1991) amended INA 101(a) by adding a new paragraph (K) which confers special immigrant status on certain active members and certain honorably separated former members of the U.S. Armed Forces. These special immigrants and their derivative spouses and children have been designated SM1 through SM5.

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1993 (Pub. L. 102-395, October 6, 1992) provided for an immigrant investor pilot program to implement the provisions of INA 203(b)(5), the permanent immigrant investor category. This pilot program sets aside immigrant visa numbers annually over a five-year period for aliens who make qualifying investments in commercial enterprises located within regional centers in the United States. These investors have been designated R51 through R53 if investing in a non-targeted area, and I51 through I53 if investing in a targeted area.

This rule also removes from the list at § 42.11 two immigrant categories created by the Immigration Act of 1990 (IMMACT 90) which were transitional: (1) the LB categories, created by section 112, for spouses and children of legalized aliens, and (2) the DT categories, created by section 134, for displaced Tibetans, their spouses and children.

**Final Rule**

This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule imposes no reporting or recordkeeping action from the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act requirements. This rule has been reviewed as required by E.O. 12778 and certified to be in compliance therewith. This rule is exempted from E.O. 12866 but has been reviewed to ensure consistency therewith.

**List of Subjects in 22 CFR Part 42**

Classification of immigrants, Classification symbols, Visas.

Accordingly, part 42 to title 22 of the Code of Federal Regulations is amended as indicated below:

**PART 42—[AMENDED]**

1. The authority citation for Part 42 is revised to read as follows:

Authority: 8 U.S.C. 1101 note, 1103 note, 1104, 1153 note.

2. Section 42.11 is revised to read as follows:

**§ 42.11 Classification symbols.**

A visa issued to an immigrant alien within one of the classes described below shall bear an appropriate visa symbol to show the classification of the alien.

## IMMIGRANTS

Symbol	Class	Section of law
<b>Immediate Relatives</b>		
IRI	Spouse of U.S. Citizen .....	201(b).
CRI	Spouse of U.S. Citizen (Conditional Status) .....	201(b) & 216(a)(1).
IW1	Certain Spouses of Deceased U.S. Citizens .....	201(b).
IW2	Child of IW1 .....	201(b).

## IMMIGRANTS—CONTINUED

Symbol	Class	Section of law
IR2	Child of U.S. Citizen .....	201(b).
CR2	Child of U.S. Citizen (Conditional Status) .....	201(b) & 216.
IR3	Orphan Adopted Abroad by U.S. Citizen .....	201(b).
IR4	Orphan to be Adopted In the United States by U.S. Citizen .....	201(b).
IR5	Parent of U.S. Citizen at Least 21 Years of Age .....	201(b).
V15	Parent of U.S. Citizen Who Acquired Permanent Resident Status Under the Virgin Islands Non-immigrant Alien Adjustment Act.	201(b) & sec. 2 of the Virgin Islands Nonimmigrant Alien Adjustment Act (P.L. 97–271).

## Vietnam Amerasian Immigrants

AM1	Vietnam Amerasian Principal .....	584(b)(1)(A).
AM2	Spouse or Child of AM1 .....	584(b)(1)(B).
AM3	Natural Mother of Unmarried AM1 (and Spouse or Child of Such Mother), or Person Who has Acted in Effect as the Mother, Father, or Next-of-Kin of Unmarried AM1 (and Spouse or Child of Such Person).	584(b)(1)(C) of the Foreign Operations, Export Financing, and Related Programs, Appropriations Act, 1988 (As Contained in sec. 101(e) of P.L. 101(e) of P.L. 100–202) as amended.

## Special Immigrants

SB1	Returning Resident .....	101(a)(27)(A).
SC1	Person Who Lost U.S. Citizenship by Marriage .....	101(a)(27)(B) & 324(a).
SC2	Person Who Lost U.S. Citizenship by Serving in Foreign Armed Forces .....	101(a)(27)(B) & 327.

## Family-Sponsored Preferences

## Family 1st Preference

F11	Unmarried Son or Daughter of U.S. Citizen .....	203(a)(1).
F12	Child of F11 .....	203(d).

## Family 2nd Preference (Subject to County Limitations)

F21	Spouse of Alien Resident .....	203(a)(2)(A).
C21	Spouse of Alien Resident (Conditional) .....	203(a)(2)(A) & 216.
F22	Child of Alien Resident .....	203(a)(2)(A).
C22	Child of Alien Resident (Conditional) .....	202(a)(2)(A) & 216.
F23	Child of F21 or F22 .....	203(d).
C23	Child of C21&22 (Conditional) .....	203(d) & 216.
F24	Unmarried Son or Daughter of Alien Resident .....	203(a)(2)(B).
C24	Unmarried Son or Daughter of Alien Resident (Conditional) .....	203(a)(2)(B) & 216.
F25	Child of F24 .....	203(d).
C25	Child of F24 (Conditional) .....	203(d) & 216.

## Family 2nd Preference (Exempt from Country Limitations)

FX1	Spouse of Alien Resident .....	202(a)(4)(A) & 203(a)(2)(A).
CX1	Spouse of Alien Resident (Conditional) .....	202(a)(4)(A) & 216.
FX2	Child of Alien Resident .....	202(a)(4)(A) & 203(a)(2)(A).
CX2	Child of Alien Resident (Conditional) .....	202(a)(4)(A) & 216.
FX3	Child of FX1 and FX2 .....	202(a)(4)(A) & 203(d).
CX3	Child of CX1 & CX2 (Conditional) .....	202(a)(4)(A) & 203(d) & 216.

## Family 3rd Preference

F31	Married Son or Daughter of U.S. Citizen .....	203(a)(3).
C31	Married Son or Daughter of U.S. Citizen (Conditional) .....	216(a)(1).
F32	Spouse of F31 .....	203(d).
C32	Spouse of C31 (Conditional) .....	203(d) & 216.
F33	Child of F31 .....	203(d).
C33	Child of C31 (Conditional) .....	203(d) & 216.

## Family 4th Preference

F41	Brother or Sister of U.S. Citizen .....	203(a)(4).
F42	Spouse of F41 .....	203(d).
F43	Child of F41 .....	203(d).

## IMMIGRANTS—CONTINUED—Continued

Symbol	Class	Section of law
<b>Employment-Based Preferences</b>		
<b>Employment 1st Preference (Priority Workers)</b>		
E11	Alien with Extraordinary Ability .....	203(b)(1)(A).
E12	Outstanding Professor or Researcher .....	203(b)(1)(B).
E13	Multinational Executive or Manager .....	203(b)(1)(C).
E14	Spouse of E11, E12, or E13 .....	203(d).
E15	Child of E11, E12, or E13 .....	203(d).
<b>Employment 2nd Preference (Professionals Holding Advanced Degrees or Persons of Exceptional Ability)</b>		
E21	Professional Holding Advanced Degree or of Exceptional Ability .....	203(b)(2).
E22	Spouse of E21 .....	203(d).
E23	Child of E21 .....	203(d).
ES1	Soviet Scientist (Principal) Qualified for Status Under Pub. L. 102-509 .....	203(b)(2) and sec. 4 of the Soviet Scientists Immigration.
<b>Employment 3rd Preference (Skilled Workers, Professionals, and Other Workers)</b>		
E31	Skilled Worker .....	203(b)(3)(A)(i).
E32	Professional Holding Baccalaureate Degree .....	203(b)(3)(A)(ii).
E34	Spouse of E31 or E32 .....	203(d).
E35	Child of E31 or E32 .....	203(d).
EW3	Other Worker (Subgroup Numerical Limit) .....	203(b)(3)(A)(iii).
EW4	Spouse of EW3 .....	203(d).
EW5	Child of EW3 .....	203(d).
<b>Employment 4th Preference (Certain Special Immigrants)</b>		
SD1	Minister of Religion .....	101(a)(27)(C) & 203(b)(4).
SD2	Spouse of SD1 .....	101(a)(27)(C) & 203(b)(4).
SD3	Child of SD1 .....	101(a)(27)(C) & 203(b)(4).
SE1	Certain Employees or Former Employees of the U.S. Government Abroad .....	101(a)(27)(D).
SE2	Spouse of SE1 .....	101(a)(27)(D).
SE3	Child of SE1 .....	101(a)(27)(D).
SEH	Employee of the Mission in Hong Kong or Immediate Family .....	101(a)(27)(D) & Section 152 of the Immigration Act of 1990.
SF1	Certain Former Employees of the Panama Canal Company or Canal Zone Government .....	101(a)(27)(E).
SF2	Spouse or Child of SF1 .....	101(a)(27)(E).
SG1	Certain Former Employees of the U.S. Government in the Panama Canal Zone .....	101(a)(27)(F).
SG2	Spouse or Child of SG1 .....	101(a)(27)(F).
SH1	Certain Former Employees of the Panama Canal Company or Canal Zone Government on April 1, 1979.	101(a)(27)(G).
SH2	Spouse or Child of SH1 .....	101(a)(27)(G).
SJ1	Certain Foreign Medical Graduates (Adjustments Only) .....	101(a)(27)(H).
SJ2	Accompanying Spouse or Child of SJ1 .....	101(a)(27)(H).
SK1	Certain Retired International Organization Employees .....	101(a)(27)(I)(iii).
SK2	Spouse SK1 .....	101(a)(27)(I)(iv).
SK3	Certain Unmarried Son or Daughter of International Organization Employee .....	101(a)(27)(I)(i).
SK4	Certain Surviving Spouses of Deceased International Organization Employee .....	101(a)(27)(I)(ii).
SL1	Juvenile Court Dependent .....	101(a)(27)(J).
SM1	Alien Recruited Outside the United States Who Has Served or is Enlisted to Serve in the U.S. Armed Forces for 12 Years (Became Eligible After the Date of Enactment)..	101(a)(27)(K).
SM2	Spouse of SM1 .....	101(a)(27)(K).
SM3	Child of SM1 .....	101(a)(27)(K).
SM4	Alien Recruited Outside the United States Who Has Served or is Enlisted to Serve in the U.S. Armed Forces for 12 Years (Became Eligible As of the Date of Enactment).	101(a)(27)(K).
SM5	Spouse or Child of SM4 .....	101(a)(27)(K).
SR1	Certain Religious Workers .....	101(a)(27)(C)(ii)(II) & (III).
SR2	Spouse of SR1 .....	101(a)(27)(C)(ii)(II) & (III).
SR3	Child of SR1 .....	101(a)(27)(C)(ii)(II) & (III).
<b>Employment 5th Preference (Employment Reaction Conditional Status)</b>		
C51	Employment Creation <i>OUTSIDE</i> Targeted Areas .....	203(b)(5)(A).
C52	Spouse of C51 .....	203(d).
C53	Child of C51 .....	203(d).
T51	Employment Creation <i>IN</i> Targeted Rural/High Unemployment Area .....	203(b)(5)(B).
T52	Spouse of T51 .....	203(d).
T53	Child of T51 .....	203(d).

## IMMIGRANTS—CONTINUED—Continued

Symbol	Class	Section of law
R51	Investor Pilot Program, Not in Targeted Area .....	203(b)(5) & Sec. 610 of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1993 (P.L. 102-395)
<b>Other Numerically Limited Categories</b> <b>Diversity Immigrants (Beginning in FY 1995)</b>		
DV1	Diversity Immigrant .....	Section 203(c).
DV2	Spouse of DV1 .....	Section 203(c).
DV3	Child of DV1 .....	Section 203(c).
<b>Transition for Employees of Certain U.S. Businesses in Hong Kong (Fiscal Years 1991–1993)*</b>		
HK1	Employee of U.S. Business in Hong Kong .....	Section 124 of the Immigration Act of 1990.
HK2	Spouse of HK1 .....	Section 124 of the Immigration Act of 1990.
HK3	Child of HK1 .....	Section 124 of the Immigration Act of 1990.
<b>Diversity Transition for Natives of Certain Adversely Affected Foreign States (Fiscal Years 1992–1995)</b>		
AA1	Diversity Transition Immigration .....	Section 132 of the Immigration Act of 1990.
AA2	Spouse of AA1 .....	Section 132 of the Immigration Act of 1990.
AA3	Child of AA1 .....	Section 132 of the Immigration Act of 1990.

\* Although these visas may no longer be issued, some HK visas remain valid through January 1, 2002.

Mary A. Ryan,  
Assistant Secretary for Consular Affairs.  
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## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 17 RIN 2900-AG91

#### VA Homeless Providers Grant and Per Diem Program

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Final rule.

**SUMMARY:** We are, with changes, adopting as a final rule the provisions of an interim final rule promulgated pursuant to The Homeless Veterans Comprehensive Service Programs Act of 1992. The Act authorizes the Department of Veterans Affairs to assist public or nonprofit private entities in establishing new programs to furnish supportive services and supportive housing for homeless veterans through grants. The Act also authorizes VA to provide per diem payments, or in-kind assistance in lieu of per diem payments, to eligible entities that established programs after November 10, 1992 that

provide supportive services or supportive housing for homeless veterans, or service centers providing supportive services. This rule contains criteria and requirements relating to the awarding of grants and relating to per diem payments. Accordingly, this rule is necessary so that grants can be awarded and per diem payments can be made.

**EFFECTIVE DATE:** February 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Roger Casey, Program Manager, VA Homeless Providers Grant and Per Diem Program, Mental Health and Behavioral Sciences Service (111C), U.S. Department of Veterans Affairs, 810 Vermont Avenue, N.W., Washington, D.C. 20420; (202) 535-7311 (this is not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

In a document published in the Federal Register on June 1, 1994 (59 FR 28264-28275), we established an interim final rule to implement provisions of the "Homeless Veterans Comprehensive Service Programs Act of 1992." We solicited comments concerning the interim final rule for 60 days ending August 1, 1994. We

received comments from three commenters: the Missouri Veterans Leadership Program, Vietnam Veterans Of America, Inc., and the State of New Jersey Department of Military and Veterans' Affairs. We have carefully considered all of the comments, and they are discussed below.

Based on the rationale set forth in the interim final rule and in this document, we are adopting the provisions of the interim final rule as a final rule, with changes as discussed in this document. This final rule also affirms the information contained in the interim final rule concerning Executive Order 12866 and the Regulatory Flexibility Act.

It was commented that VA "restore some of the original funding earmarked for technical assistance" in preparing grant applications. No changes are made based on this comment. The appropriation for the grant and per diem program did not earmark funding for technical assistance.

In addition, with respect to the two-phase application process for obtaining grants, it was commented that "any requirements for professional consultation or the need for expenditures be reserved for the second